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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,883	05/11/2001	Steven J. Vornsand	7187	5408

7590 04/21/2004

Zenith Electronics Corporation
2000 Millbrook Drive
Lincolnshire, IL 60069

EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 04/21/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/852,883

Applicant(s)

VORNSAND, STEVEN J.

Examiner

BRIAN P. YENKE

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

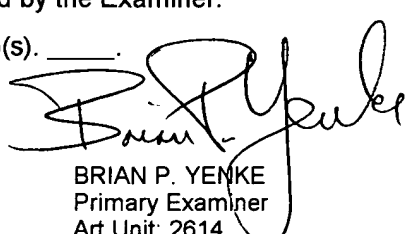
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


BRIAN P. YENKE
Primary Examiner
Art Unit: 2614

Continuation of 5. does NOT place the application in condition for allowance because: Argument 1: The applicant argues that Shintani does not disclose communication between a host device and a plurality of dispersed televisions. Response 1: The examiner agrees, thus necessitating the 35 USC 103 rejection, it should also be noted as stated in the rejection, the applicant's own admitted prior art also discloses the use of more than one television. Argument 2: The applicant argues that the Examiner has found no suggestion in the prior art to modify Shintani with more than one television. Response 2: The examiner disagrees since it is well known to have more than one television, it would also be desirable to control all the TV's the user has access to. Argument 3: The Humpleman patent does not suggest a plurality of television that transmit confirmation signals to a host device. Response 3: The examiner agrees. The Humpleman reference was incorporated to show the use of more than one television. If the Humpleman performed the confirmation function as claimed it would have anticipated the applicant's invention and have been used as stand alone reference (i.e. 35 USC 102). Argument 4: The applicant states that neither Shintani nor Humpleman suggest sending the confirmation signals upon performance of functions commanded by the command signals. Argument 5: The examiner agrees as stated in the rejection. However, since Shintani discloses the acknowledgement of a valid or invalid signal, and then executes the valid signal command, the additional confirmation that the command was performed would be obvious to one of ordinary skill in the art, since the concept of confirming valid/invalid is already performed. Argument 5: The applicant states that claim 42 does not recite the confirmation signal confirms performance of a function commanded by a command signal. Response 5: The examiner agrees. However, the rejection still applies since confirmation signal is not defined in the claim. Argument 6: The applicant states that Schindler does not disclose or suggest that dispersed televisions transmit confirmation messages to a host device or that a confirmation signal is sent upon performance of functions commanded by a command signal. Response 6: The examiner agrees, again if Schindler included all the limitations of the claim it would anticipate the invention, the examiner relied upon Schindler to illustrate the widely known subject matter of using/incorporating a computer into an entertainment system. Argument 7: The applicant states regarding claims 39 and 44 that it is not particularly plausible since the rejection relies on four references. The applicant also states regarding claims 40 and 45, that a rejection relying on five references is even more implausible. Response 7: The examiner disagrees. The examiner would like to initially note In re Gorman (933 F.2d982, 18 USPQ2d 1885 (Fed Circuit 1991) (Court affirmed a rejection of a detailed claim to a candy sucker shaped like a thumb on a stick based on thirteen prior art references. Thus regardless of the number of references used, the references were incorporated to show/illustrate claims which were directed to well known subject matter.